



FIRE AND POLICE RETIREMENT BOARD

The Fire and Police Retirement Board held a regular meeting in the Council Chamber, 2nd Floor, City Hall, 2600 Fresno Street, Fresno, California at the hour of 2:00 p.m. on the day above written.

Roll Call at 2:04 p.m.

Present:

Paul Cliby	Chair
Darrell Fifield	Vice Chair
Carla Lombardi	Member
Brian Burry	Member
Stephen Guinn	Member

APPROVE AGENDA OF August 11, 2004. :

ON MOTION of Member Lombardi seconded by Member Burry, duly carried, RESOLVED to approve the agenda of August 11, 2004, hereby approved by the following vote:

Ayes:	Cliby, Fifield, Lombardi, Guinn, Burry
Noes:	None
Abstain:	None
Absent:	None

APPROVE MINUTES OF JULY 21, 2004,
REGULAR BOARD MEETING :

ON MOTION of Member Lombardi seconded by Member Guinn, duly carried, RESOLVED to approve the minutes of July 21, 2004, hereby approved by the following vote:

Ayes:	Cliby, Fifield, Lombardi, Guinn, Cliby
Noes:	None
Abstain:	None
Absent:	None

TIMED SCHEDULED HEARINGS AND MATTERS

NONE :

CONSENT CALENDAR

CONFIRM DATE AND TIME FOR THE NEXT REGULAR MEETING OF THE FIRE AND POLICE RETIREMENT BOARD SCHEDULED FOR 2:30 P.M., SEPTEMBER 8, 2004, FRESNO CITY HALL, 2600 FRESNO STREET, COUNCIL CHAMBERS.

APPROVE APPLICATION FOR SERVICE-CONNECTED DISABILITY RETIREMENT FILED BY VAL SZOT, FIRE CAPTAIN.

APPROVE APPLICATION FOR SERVICE-CONNECTED DISABILITY RETIREMENT FILED BY ELYSE ZAVALA, POLICE OFFICER

Upon call and hearing no objections, Member Guinn moves item I-C to Employee/Personnel Issues for further discussion.

APPROVE REQUEST FROM SHANNON M. BANTA, AN EMPLOYEE IN THE POLICE DEPARTMENT, WITH OVER FIVE YEARS OF SERVICE, WHO TERMINATED EFFECTIVE MAY 30, 2004, TO ALLOW HER CONTRIBUTIONS TO REMAIN IN THE FIRE AND POLICE RETIREMENT SYSTEM PURSUANT TO FRESNO MUNICIPAL CODE SECTION 2-1722A.

APPROVE REQUEST FROM DAVID S. SANDOVAL, AN EMPLOYEE IN THE AIRPORTS DEPARTMENT, WITH OVER TEN YEARS OF CREDITED SERVICE, WHO TERMINATED EFFECTIVE AUGUST 2, 2004, TO ALLOW HIS CONTRIBUTIONS TO REMAIN IN THE FIRE AND POLICE RETIREMENT SYSTEM PURSUANT TO FRESNO MUNICIPAL CODE SECTION 2-1722

APPROVE APPLICATION FOR DEFERRED RETIREMENT OPTION PROGRAM (DROP) FOR THE FOLLOWING INDIVIDUALS AS OF SEPTEMBER 1, 2004:

Fire:	None
Police:	Raymond Hernandez

John S. Meyers

Airport Safety: None

ACCEPT REPORT OF RETIREMENT REFUNDS:

<u>Employee</u>	<u>Separation Date</u>	<u>Amount</u>
Gary L. McMillan	4/9/2004	\$ 1,131.00

CHANGE OF BENEFICIARY

Bryan G. Analla	Haywood J. Irving III	James W. Taylor
Dale J. Bryant	Manuel Maldonado	
Joseph Callahan	Skye Leibee	
James T. Carden	Emily Oliver	
Pamela J. Heinzman	Ronald D. Peterson	
Robert E. Horn	Ezequiel M. Suarez	

ON MOTION of Member Lombardi seconded by Member Burry, duly carried, RESOLVED to approve consent calendar as amended, hereby approved by the following vote:

Ayes: Cliby, Fifield, Burry, Guinn, Lombardi
 Noes: None
 Abstain: None
 Absent: None

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EMPLOYEE PERSONNEL ISSUES

CONSIDER APPLICATION FOR SERVICE-
CONNECTED DISABILITY RETIREMENT
FILED BY ERNEST BALLEW, FIREFIGHTER
SPECIALIST.

Administrator McDivitt summarizes the report as presented reporting that there is conflicting medical evidence that was provided by the individual's private physician and the review by Dr. Chase. Mr. Ballew was present and had no comment.

ON MOTION of Member Burry seconded by Member Lombardi, duly carried, RESOLVED to approve consent calendar as amended, hereby approved by the following vote:

Ayes: Cliby, Fifield, Burry, Guinn, Lombardi
 Noes: None
 Abstain: None
 Absent: None

APPROVE APPLICATION FOR SERVICE-
CONNECTED DISABILITY RETIREMENT
FILED BY ELYSE ZAVALA, POLICE OFFICER

Upon request from Member Fifield, Russ Richeda briefly reviews Policy and asks Mr. Tusan if a closed session is preferred and Mr. Tusan then requests a closed session. Mr. McDivitt follows to review the medical reports as presented and the recommendation of the Boards' medical advisor. Mr. Richeda follows to further summarize medical evidence as presented and provides alternatives for the Board's consideration. Member Guinn states he would like another psychological review with Member Burry concurring and brief comments from Members Fifield and Lombardi followed. Chair Cliby entertains a motion and requests clarification of the options from legal counsel and Mr. Richeda further clarifies the issues, and Mr. Tusan follows to review and discuss the medical evidence as presented. Comments from Member Fifield followed with recommendations from legal counsel and response from Mr. Tusan.

Discussion followed from Member Burry and Member Lombardi, with legal counsel responding.

MOTION by Member Lombardi to approve application for service-connected disability retirement filed by Elyse Zavala, Police Officer, failed due to lack of a second.

On MOTION of Member Guinn seconded by Member Burry, duly carried, RESOLVED to schedule the applicant for an additional medical evaluation to determine causation and service-connected disability, hereby approved by the following vote:

Ayes:	Cliby, Fifield, Burry, Guinn
Noes:	Lombardi
Abstain:	None
Absent:	None

Staff is further directed with Mr. Tusan concurring, that applicant will submit additional documents to staff, which shall be forwarded to Mr. Tusan

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CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

EXISTING LITIGATION: PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A):

CASE NAME: DOWNS V. CITY OF FRESNO
FIRE AND POLICE RETIREMENT SYSTEM
ET AL.; FRESNO SUPERIOR CASE NO. 03
CE CG 02878

No action is reported out of closed session.

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STAFF INITIATED ITEMS

NONE.

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---**BOARD INITIATED ITEMS**

None.

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---**GENERAL DISCUSSION**

None.

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---**INFORMATION ONLY ITEMS**

None

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---**UNSCHEDULED ORAL COMMUNICATIONS**

None.

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---**PROPOSED AGENDA ITEMS FOR NEXT BOARD MEETING**

None.

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---**PUBLIC COMMENTS**

None.

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---**ADJOURNMENT – 2:55 p.m.**

There being no further business to bring before the Board, and hearing no objections, Chair Burry declares the Fire and Police Retirement Board regular meeting adjourned.

Paul Cliby, Chair
Fire and Police Retirement Board

Pattie Laygo
Retirement Board Secretary/Deputy